UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,166	10/23/2003	Robyn Lee Focazio	AUS920030688US1	1938

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EXAMINER
LIN, SHEW FEN

ART UNIT	PAPER NUMBER
2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
		10/692,166	FOCAZIO ET AL.
Office Action Summary		Examiner	Art Unit	
		Shew-Fen Lin	2166	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12/27/2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-39_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-39_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

a. This action is taken to response to amendments and remarks filed on 11/29/2006

and request for continued examination (RCE) filed on 12/27/2006.

b. Claims 1-39 are pending. Claims 1, 10, 17, 25, and 32 are independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on November 29, 2006 has been entered.

Claim Rejections – 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

Claims 2, 5, 7, 10, 11, 17, 20, 22, 25, 26, 33, and 36 are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter. They merely present

an abstract idea without any practical application that produces a useful, concrete, and tangible

result.

As per claim 2, the claimed process, "… determining whether a SQL template have a

FROM clause placeholder and determining whether a FROM clause table has been…

determining whether the SQL template has a JOIN clause placeholder and determining whether

the FROM clause has been added;..." recites the limitation ,"determining whether", which

suggests an optionally, passive recitation and do not necessary providing a tangible result. For

example, when the result of determination steps is "False", no tangible result is produced by the

claimed process.

As per claims 5, 7, 10, 11, 17, 20, 22, 25, 26, 33, and 36, the recited limitation,

"determine if" and /or "determine whether" does not provide a tangible result for the same

rationale as claim 2.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claims 7, 8, 15, 22-23, and 35 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 7 and 22 recite the limitation "the optional where clause alias", "the (join)

WHERE clause string", "the (join) WHERE clause string". There is insufficient antecedent basis

for any of above-mentioned limitations in the claim.

Claims 8 and 23 recite the limitation "the FROM clause string", "the JOIN clause string",

"the (join) WHERE clause string", "the (filter) WHERE clauses". There is insufficient

antecedent basis for any of above-mentioned limitations in the claim.

Claims 15 and 30 recite the limitation "the FROM clause string", "the JOIN clause

string", "the (filter) WHERE clauses". There is insufficient antecedent basis for any of above-

mentioned limitations in the claim.

Claim 35 recites the limitation "the FROM clause string", "the JOIN clause string", "the

(filter) WHERE clauses", "the SQL template". There is insufficient antecedent basis for any of

above-mentioned limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al. (US

Patent 5,418,950, hereinafter Li).

As to claim 1, Li discloses a computer implemented process for creating a query for a

database located in a memory (column 3, lines 5-36), wherein the computer implemented process

causes a computer to automatically identify a set of necessary tables in the database (Figure 2b,

item 240, column 10, lines 40-51) and places a clause into the query (From Clause, Figure 8) so

that the query can only access the set of necessary tables (tables specified in From Clause,

column 12, lines 63-65, column 13, lines 14-23).

As to claim 2, Li discloses determining whether a SQL template has a FROM clause

placeholder (Figure 2b, item 240) and determining whether a FROM clause table has been

previously specified in the SQL template (Figure 2b, item 240); responsive to the determination

that the SQL template has the FROM clause placeholder and that the FROM clause table has not

been previously specified in the SQL template, generating a FROM clause for the table (Figure

8, column 9, lines 66-67, column 11, lines 51-67, column 12, lines 1-2); determining whether the

SQL template has a JOIN clause placeholder (Figure 2b, item 250, column 2, lines 52-62) and

determining whether the FROM clause has been added (Figures 2b, 8); and responsive to the

determination that the SQL template has the JOIN clause placeholder and that the FROM clause

has been added, generating a JOIN clause (Figure 8).

As to claim 3, Li discloses responsive to the determination that the SQL template has the

FROM clause placeholder and that the FROM clause table has not been previously specified in

the SQL template, adding the FROM clause to a FROM clause string (Figure 8, column 9, lines

26-27); and responsive to the determination that the SQL template has the JOIN clause

placeholder and that the FROM clause has not been added, adding the JOIN clause to a JOIN

clause string (Figure 8).

As to **claim 4**, Li discloses generating a (join) WHERE clause ("WHERE clause", Figure 3a, item 341); adding the (join) WHERE clause to a (join) WHERE clause string (Figure 8); adding an alias to an added aliases list (add alias, Figures 5, 29, column 13, lines 36-41); and adding an optional where clause alias to an optional where clause aliases list (option aliases, Figure 29).

As to **claim 5**, Li discloses determining if a plurality of parameters are on the added aliases list (Figure 13b, column 21, lines 49-57); and responsive to the determination that the parameters are not on the added aliases list, performing the steps in claim 2 (Figure 13b, column 21, lines 35-57).

As to **claim 6**, Li discloses generating a SELECT clause (Figure 2b, item 230, Figure 3a); generating a (filter) WHERE clause (Figure 2b, item 250, Figure 3a); and generating an ORDER BY clause (Figures 2b, 8).

As to **claim 7**, Li discloses responsive to the determination that all of the parameters have been analyzed, determining whether the optional where clause alias is on the added aliases list (Figure 13c, item 1378); responsive to the determination that the optional where clause alias is on the added aliases list, generating the (join) WHERE clause for the optional where clause alias (Figure 13c, item 1379, column 21,lines 63-66); and responsive to the determination that the optional where clause alias is on the added aliases list, adding the (join) WHERE clause to the (join) WHERE clause string (Figure 13c, item 1388).

As to claim 8, Li discloses replacing the FROM clause placeholder in the SQL template with the FROM clause string (Figure 8, column 18, lines 7-8); replacing the JOIN clause placeholder in the SQL template with the JOIN clause string (Figure 8); and adding the (join) WHERE clause string to the (filter) WHERE clauses in the SQL template (Figure 8, column 18, lines 9-10).

As to claim 9, Li discloses accepting a user submission of a field and a filter (fields, condition, column 3, lines 14-24); sending the query to the database (execute action, Figure 14, item 1414, column 22, lines 28-33); and obtaining an output from the database (return query report, Figure 14, item 1416, column 22, lines 28-33).

As to claim 10, Li discloses a computer implemented process for creating a query for a database located in a memory (column 3, lines 5-36), wherein the computer implemented process automatically identify a set of necessary tables in the database (Figure 2b, item 240, column 10, lines 40-51) and places a clause into the query (From Clause, Figure 8) so that the query can only access the set of necessary tables (tables specified in From Clause, column 12, lines 63-65, column 13, lines 14-23), the computer implemented process comprising: determining if a plurality of parameters are on the added aliases list (Figure 13b, column 21, lines 49-57); responsive to the determination that the parameters are not on the added aliases list, running a clause generation program (Figure 13b, 13c, column 21, lines 35-57); determining if all of the parameters have been analyzed; responsive to the determination that all of the parameters have

been analyzed , determining whether an optional where clause alias is on the added aliases list (Figure 13c, item 1378); responsive to the determination that the optional where clause alias is on the added aliases list, generating the (join) WHERE clause for the optional where clause alias (Figure 13c, item 1379, column 21,lines 63-66); and responsive to the determination that the optional where clause alias is on the added aliases list, adding the (join) WHERE clause to the (join) WHERE clause string (Figure 13c, item 1388).

As to claim 11, Li discloses wherein the clause generation program comprises: determining whether a SQL template has a FROM clause placeholder (Figure 2b, item 240) and determining whether a FROM clause table has been previously specified in the SQL template (Figure 2b, item 240); responsive to the determination that the SQL template has the FROM clause placeholder and that the FROM clause table has not been previously specified in the SQL template, generating a FROM clause for the table (Figure 8, column 9, lines 66-67, column 11, lines 51-67, column 12, lines 1-2); determining whether the SQL template has a JOIN clause placeholder (Figure 2b, item 250, column 2, lines 52-62) and determining whether the FROM clause has been added (Figures 2b, 8); and responsive to the determination that the SQL template has the JOIN clause placeholder and that the FROM clause has been added, generating a JOIN clause (Figure 8).

As to claim 12, Li discloses wherein the clause generation program further comprises: responsive to the determination that the SQL template has the FROM clause placeholder and that the FROM clause table has not been previously specified in the SQL template, adding the FROM

clause to a FROM clause string (Figure 8, column 9, lines 26-27); and responsive to the

determination that the SQL template has the JOIN clause placeholder and that the FROM clause

has not been added, adding the JOIN clause to a JOIN clause string (Figure 8).

As to claim 13, Li discloses wherein the clause generation program further comprises:

generating a (join) WHERE clause ("WHERE clause", Figure 3a, item 341); adding the (join)

WHERE clause to a (join) WHERE clause string (Figure 8); adding an alias to an added aliases

list (add alias, Figures 5, 29, column 13, lines 36-41); and adding an optional where clause alias

to an optional where clause aliases list (option aliases, Figure 29).

As to claim 14, Li discloses generating a SELECT clause (Figure 2b, item 230, Figure

3a); generating a (filter) WHERE clause (Figure 2b, item 250, Figure 3a); and generating an

ORDER BY clause (Figures 2b, 8).

As to claim 15, Li discloses replacing the FROM clause placeholder in the SQL template

with the FROM clause string (Figure 8, column 18, lines 7-8); replacing the JOIN clause

placeholder in the SQL template with the JOIN clause string (Figure 8); and adding the (join)

WHERE clause string to the (filter) WHERE clauses in the SQL template (Figure 8, column 18,

lines 9-10).

As to claim 16, LI discloses accepting a user submission of a field and a filter (fields,

condition, column 3, lines 14-24); sending the query to the database (execute action, Figure 14,

item 1414, column 22, lines 28-33); and obtaining an output from the database (return query report, Figure 14, item 1416, column 22, lines 28-33).

As to claim 17, is directed to a computer program product carrying instructions for performing the process of claim 2 and is rejected along the same rationale.

As to claim 18, is directed to a computer program product carrying instructions for performing the process of claim 3 and is rejected along the same rationale.

As to claim 19, is directed to a computer program product carrying instructions for performing the process of claim 4 and is rejected along the same rationale.

As to claim 20, is directed to a computer program product carrying instructions for performing the process of claim 5 and is rejected along the same rationale.

As to claim 21, is directed to a computer program product carrying instructions for performing the process of claim 6 and is rejected along the same rationale.

As to claim 22, is directed to a computer program product carrying instructions for performing the process of claim 7 and is rejected along the same rationale.

As to claim 23, is directed to a computer program product carrying instructions for performing the process of claim 8 and is rejected along the same rationale.

As to claim 24, is directed to a computer program product carrying instructions for performing the process of claim 9 and is rejected along the same rationale.

As to claim 25, is directed to a computer program product carrying instructions for performing the process of claim 10 and is rejected along the same rationale.

As to **claim 26**, is directed to a computer program product carrying instructions for performing the process of claim 11 and is rejected along the same rationale.

As to **claim 27**, is directed to a computer program product carrying instructions for performing the process of claim 12 and is rejected along the same rationale.

As to **claim 28**, is directed to a computer program product carrying instructions for performing the process of claim 13 and is rejected along the same rationale.

As to **claim 29**, is directed to a computer program product carrying instructions for performing the process of claim 14 and is rejected along the same rationale.

As to **claim 30**, is directed to a computer program product carrying instructions for performing the process of claim 15 and is rejected along the same rationale.

As to **claim 31**, is directed to a computer program product carrying instructions for performing the process of claim 16 and is rejected along the same rationale.

As to **claim 32**, Li discloses a program product operable on a computer, the program product comprising: a computer-usable medium (Figure 1a); wherein the computer usable medium contains instructions to cause a computer to automatically identify a set of necessary tables in the database (Figure 2b, item 240, column 10, lines 40-51) and place a clause into a query for a database (Figure 8) so that the query can only access necessary table in the database (tables specified in From Clause, column 12, lines 63-65, column 13, lines 14-23), the instructions comprising: a query program, wherein the query program queries a database using a query (execute action, Figure 14, items 1410-1416, column 22, lines 28-33); a query generation program, wherein the query generation program generates a query having only the necessary

joins for the query (Figures 2b, 8, Figure 13a/b/c); and a clause generation program, wherein the clause generation program determines which clauses are necessary in the query (Figure 8, Figures 13a/b/c).

As to claim 33, claim 33 is essentially the same as claim 10 except that it sets forth the claimed invention as a computer program product rather than a method and is rejected under the same rationale.

As to claim 34, claim 34 is essentially the same as claim 14 except that it sets forth the claimed invention as a computer program product rather than a method and is rejected under the same rationale.

As to claim 35, claim 35 is essentially the same as claim 15 except that it sets forth the claimed invention as a computer program product rather than a method and is rejected under the same rationale.

As to claim 36, claim 36 is essentially the same as claim 11 except that it sets forth the claimed invention as a computer program product rather than a method and is rejected under the same rationale.

As to claim 37, claim 37 is essentially the same as claim 12 except that it sets forth the claimed invention as a computer program product rather than a method and is rejected under the same rationale.

As to claim 38, claim 38 is essentially the same as claim 13 except that it sets forth the claimed invention as a computer program product rather than a method and is rejected under the same rationale.

As to claim 39, claim 39 is essentially the same as claim 16 except that it sets forth the

claimed invention as a computer program product rather than a method and is rejected under the

same rationale.

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent

to applicant's disclosure.

- Fenlon, Peter et al., US 20030093374 A1, "Internet-connected devices".

- Berno; Anthony J., US 6694321 B1, "System, method, and product for

   development and maintenance of database-related software applications".

- Madan; Harpinder S. et al., US 6748374 B1, "Method for generating a relational

   database query statement using one or more templates corresponding to search

   conditions in an expression tree".

- Anonsen; Steven P. et al., US 7162469 B2, "Querying an object for properties".

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The

examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SFL
Shew-Fen Lin   Art Unit 2166
Patent Examiner   March 7, 2007

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER